

§ 35.510 Limitations.

The Regional Administrator will not award section 3011(a) funds in a State with interim or final hazardous waste authorization unless the applicant is the lead agency designated in the authorization agreement.

PESTICIDE ENFORCEMENT (SECTION 23(A)(1))

§ 35.550 Purpose.

Section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act authorizes assistance to States (as defined in section 2 of the Act) and Indian tribes to implement pesticide enforcement programs. Associated program regulations are found in 40 CFR parts 162, 165–167, 169–170, and 172–173 and 19 CFR part 12.

§ 35.555 Maximum Federal share.

The Regional Administrator may provide up to one hundred percent of the approved work program costs.

PESTICIDE APPLICATOR CERTIFICATION AND TRAINING (SECTION 23(A)(2))

§ 35.600 Purpose.

Section 23(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act authorizes assistance to States (as defined in section 2 of the Act) and Indian tribes to implement programs to train and certify applicants of restricted use pesticides. Associated program regulations are found in 40 CFR parts 162 and 170–171.

§ 35.605 Maximum Federal share.

The Regional Administrator may provide up to fifty percent of the approved work program costs.

NONPOINT SOURCE MANAGEMENT (SECTIONS 205(J)(5) AND 319(H))

§ 35.750 Purpose.

Sections 319 and 518 of the Clean Water Act authorize nonpoint source management assistance to States, including eligible Indian Tribes. Under section 319(h), grants may be awarded for the development of nonpoint source management programs, using funds reserved under section 205(j)(5) of the Act, and for the implementation of

EPA-approved management programs using funds reserved under section 205(j)(5) or funds appropriated under section 319. Under section 319(i), grants may be awarded to carry out ground-water quality protection activities that will advance the implementation of a comprehensive approved nonpoint source management program.

[54 FR 14358, Apr. 11, 1989, as amended at 59 FR 13817, Mar. 23, 1994]

§ 35.755 Awards to Indian Tribes.

(a) No grants for the development of an approved nonpoint source management program will be awarded to an Indian Tribe unless the Regional Administrator determines that the Tribe meets the requirements set forth at 40 CFR 130.6(d).

(b) No funds for the implementation of an approved nonpoint source management program will be awarded to an Indian Tribe unless:

(1) The Regional Administrator determines that the Indian Tribe meets the requirements set forth at 40 CFR 130.6(d).

(2) The Tribe agrees to:

(i) Maintain its aggregate expenditures from all other sources for programs controlling pollution from nonpoint sources and improving the quality of navigable waters within the Tribe's jurisdiction at or above the average levels of such expenditures in the fiscal years 1985 and 1986;

(ii) Limit administrative costs for services provided and charged against activities and programs carried out with a grant under section 319(h) to no more than 10 percent of the amount of the grant in any year, except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs are not subject to this limitation; and

(iii) Provide a matching share in accordance with 40 CFR 35.760;

(iv) Use such funds for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

(v) Report to the Administrator on an annual basis concerning (A) its progress in meeting the schedule of milestones submitted under section